

114TH CONGRESS
1ST SESSION

H. R. 517

To establish a task force to evaluate the backlog of appeals to claims
submitted to the Secretary of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2015

Ms. TITUS introduced the following bill; which was referred to the Committee
on Veterans' Affairs

A BILL

To establish a task force to evaluate the backlog of appeals
to claims submitted to the Secretary of Veterans Affairs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EVALUATION OF THE SURGE OF APPEALS OF**
4 **VETERANS CLAIMS.**

5 (a) IN GENERAL.—There is established a task force
6 (in this section referred to as the “Appeals Task Force”)
7 to evaluate the backlog of appeals of claims within the
8 Board of Veterans’ Appeals and the United States Court
9 of Appeals for Veterans Claims.

10 (b) STUDY.—

1 (1) IN GENERAL.—The Appeals Task Force
2 shall carry out a study on the anticipated increase
3 of appeals of claims, including the current process
4 all parties use to evaluate appeals and the laws and
5 regulations applicable to such claims and appeals.
6 Such study shall be a comprehensive evaluation and
7 assessment of the backlog of claims, an analysis of
8 possible improvements to the procedures used to
9 process such appeals, and any related issues that the
10 Appeals Task Force considers relevant.

11 (2) CONSIDERATION.—In carrying out the
12 study under paragraph (1) and making any rec-
13 ommendations under this section, the Appeals Task
14 Force shall consider the following:

15 (A) The interests of veterans, including
16 with respect to accuracy, fairness, and trans-
17 parency in the appeals process of the Board
18 and the Court.

19 (B) The values and requirements of the
20 Constitution, including with respect to compli-
21 ance with procedural and substantive due proc-
22 ess.

23 (C) The public interest, including with re-
24 spect to the responsible use of available re-
25 sources.

1 (D) The importance of the claimant friend-
2 ly, nonadversarial nature of the appeals process.

3 (3) MATTERS INCLUDED.—In carrying out the
4 study under paragraph (1), the Appeals Task Force
5 shall examine the following:

6 (A) The anticipated surge in appeals of
7 claims, including an analysis of—

8 (i) the most effective means to quickly
9 and accurately resolve pending appeals and
10 future appeals;

11 (ii) with respect to both the Board
12 and the Court, the annual funding, number
13 of full-time employees, workload manage-
14 ment practices, and the progress, as of the
15 date of the study, of the transformation
16 plan of the Department; and

17 (iii) the efficiency, effectiveness, and
18 utility of the Veterans Benefits Manage-
19 ment System with respect to appeals oper-
20 ations, including an identification of key
21 changes that may need to be implemented
22 to such system.

23 (B) Possible improvements to the appeals
24 process, including an evaluation and rec-
25 ommendations with respect to whether sub-

1 stantive and structural changes to the overall
2 appeals process are required.

3 (C) In carrying out the evaluation and rec-
4 ommendations under subparagraph (B), an ex-
5 amination of—

6 (i) options that make no major sub-
7 stantive changes to the appeals process;

8 (ii) options that maintain the process
9 but make minor changes;

10 (iii) options that make broad changes
11 to the process;

12 (iv) the necessity of the multi-tiered
13 levels of appeals at the regional office level,
14 including filing a notice of disagreement,
15 receipt of a statement of the case, supple-
16 mental statement of the case (if applica-
17 ble), and substantive appeal (VA Form 9);

18 (v) the role of the Board and the Ap-
19 peals Management Center, including—

20 (I) the effectiveness of the work-
21 load management of the Board and
22 the Center;

23 (II) whether the Board and Cen-
24 ter should be regionalized or maintain

1 the centralized structure in the Dis-
2 trict of Columbia; and

3 (III) whether Board Members
4 should be required to pass the admin-
5 istrative law judges certification exam-
6 ination; and

7 (vi) the role of the Court and the
8 United States Court of Appeals for the
9 Federal Circuit, including—

10 (I) the continued effectiveness
11 and necessity of a two-tiered structure
12 of judicial review;

13 (II) the article I status of the
14 Court;

15 (III) expansion of either the
16 Court or the United States Court of
17 Appeals for the Federal Circuit juris-
18 diction, including by allowing such
19 courts to hear class action lawsuits
20 with respect to claims; and

21 (IV) the possibility of expanding
22 judicial review of claims to all Federal
23 circuit courts of appeals.

24 (4) ROLE OF SECRETARY OF VETERANS AF-

25 FAIRS.—

1 (A) INFORMATION.—In carrying out a
2 study on the backlog of claims under paragraph
3 (1), the Appeals Task Force shall submit to the
4 Secretary of Veterans Affairs, Chairman of the
5 Board of Veterans' Appeals, and the Court, at
6 times that the Appeals Task Force determines
7 appropriate, information with respect to rem-
8 edies and solutions for the Appeals Task Force
9 identifies pursuant to such study.

10 (B) IMPLEMENTATION.—The Secretary,
11 the Board, and the Court shall—

12 (i) fully consider the remedies and so-
13 lutions submitted under subparagraph (A);

14 (ii) implement such remedies and so-
15 lutions as the Secretary determines appro-
16 priate; and

17 (iii) submit to Congress justification
18 for failing to implement any such remedy
19 or solution.

20 (5) PLAN.—The Appeals Task Force shall sub-
21 mit to the Secretary of Veterans Affairs, Chairman
22 of the Board of Veterans' Appeals, and the Court a
23 feasible, timely, and cost effective plan to eliminate
24 the backlog of appeals of claims based on the rem-
25 edies and solutions identified pursuant to the study

1 under paragraph (1) and the information submitted
2 under paragraph (4)(A).

3 (c) REPORTS.—

4 (1) INITIAL REPORT.—Not later than 180 days
5 after the date on which the Appeals Task Force first
6 meets, the Appeals Task Force shall submit to the
7 President and Congress an initial report on the
8 study conducted under subsection (b), including—

9 (A) a proposed plan to handle the antici-
10 pated surge in appeals of claims; and

11 (B) the level of cooperation the Appeals
12 Task Force has received from the Secretary,
13 the Board, and the Court and the heads of
14 other departments or agencies of the Federal
15 Government.

16 (2) INTERIM REPORTS.—Not later than 180
17 days after the date on which the Appeals Task
18 Force first meets, and each 30-day period thereafter
19 ending on the date on which the Appeals Task Force
20 submits the final report under paragraph (3), the
21 Appeals Task Force shall submit to the President
22 and Congress a report on—

23 (A) the progress of the Board and the
24 Court with respect to implementing solutions to

1 complete appeals of claims in a timely manner;
2 and

3 (B) the level of cooperation the Appeals
4 Task Force has received from the Secretary,
5 the Board, and the Court and the heads of
6 other departments or agencies of the Federal
7 Government.

8 (3) FINAL REPORT.—Not later than 180 days
9 after the date on which the Appeals Task Force first
10 meets, the Appeals Task Force shall submit to the
11 President and Congress a report on the study con-
12 ducted under subsection (b). The report shall include
13 the following:

14 (A) The findings, conclusions, and rec-
15 ommendations of the Appeals Task Force with
16 respect to the matters referred to in such sub-
17 section.

18 (B) The recommendations of the Appeals
19 Task Force for revising and improving appel-
20 lant procedures.

21 (C) The information described in sub-
22 section (b)(4)(A).

23 (D) The feasible, timely, and cost effective
24 plan described in subsection (b)(5).

1 (E) The progress of the Secretary, the
2 Board, and the Court with respect to imple-
3 menting solutions to provide timely appeals of
4 claims.

5 (F) Other information and recommenda-
6 tions with respect to claims as the Appeals
7 Task Force considers appropriate.

8 (d) MEMBERSHIP.—

9 (1) NUMBER AND APPOINTMENT.—The Appeals
10 Task Force shall be composed of 15 members, ap-
11 pointed as follows:

12 (A) One member appointed by the Speaker
13 of the House of Representatives, at least one of
14 whom shall be a veteran.

15 (B) One member appointed by the minor-
16 ity leader of the House of Representatives, at
17 least one of whom shall be a veteran.

18 (C) One member appointed by the majority
19 leader of the Senate, at least one of whom shall
20 be a veteran.

21 (D) One member appointed by the minor-
22 ity leader of the Senate, at least one of whom
23 shall be a veteran.

24 (E) One member appointed by the Presi-
25 dent.

1 (F) Six members appointed by the Sec-
2 retary of Veteran Affairs—

3 (i) one of whom shall be an employee
4 of the Office of the Secretary;

5 (ii) two of whom shall be employees of
6 the Veterans Benefits Administration; and

7 (iii) three of whom shall be members
8 of a veterans service organization.

9 (G) Two members appointed by the Board.

10 (H) Two members appointed by the Court.

11 (2) CHAIRMAN AND CO-CHAIRMEN.—Of the
12 members of the Appeals Task Force described in
13 subparagraphs (G) and (H) of paragraph (1) and
14 clauses (i) and (ii) of subparagraph (F) of such
15 paragraph, the Secretary of Veterans Affairs shall
16 appoint one member to be chairman and two mem-
17 bers to be co-chairmen.

18 (3) PERIOD OF APPOINTMENT.—Members of
19 the Appeals Task Force shall be appointed for the
20 life of the Appeals Task Force. A vacancy shall not
21 affect its powers.

22 (4) VACANCY.—A vacancy on the Appeals Task
23 Force shall be filled in the manner in which the
24 original appointment was made.

1 (5) APPOINTMENT DEADLINE.—The appoint-
2 ment of members of the Appeals Task Force estab-
3 lished in this section shall be made not later than 45
4 days after the date of the enactment of this Act.

5 (e) MEETINGS.—

6 (1) INITIAL MEETING.—The Appeals Task
7 Force shall hold its first meeting not later than 30
8 days after the date on which a majority of the mem-
9 bers are appointed.

10 (2) MEETINGS.—The Appeals Task Force shall
11 meet at the call of the chairman.

12 (3) QUORUM.—A majority of the members of
13 the Appeals Task Force shall constitute a quorum,
14 but a lesser number may hold hearings.

15 (f) POWERS OF THE APPEALS TASK FORCE.—

16 (1) HEARINGS.—The Appeals Task Force may
17 hold such hearings, sit and act at such times and
18 places, take such testimony, and receive such evi-
19 dence as the Appeals Task Force considers advisable
20 to carry out the purposes of this section. In addition,
21 the Appeals Task Force may invite and consider
22 such information from individuals and organizations
23 as the Chairman and co-chairmen consider appro-
24 priate.

1 (2) INFORMATION FROM FEDERAL AGENCIES.—

2 The Appeals Task Force may secure directly from
3 any department or agency of the Federal Govern-
4 ment such information as the Appeals Task Force
5 considers necessary to carry out the provisions of
6 this section. Upon request of the chairman, the head
7 of such department or agency shall furnish such in-
8 formation to the Appeals Task Force.

9 (3) POSTAL SERVICES.—The Appeals Task
10 Force may use the United States mails in the same
11 manner and under the same conditions as other de-
12 partments and agencies of the Federal Government.

13 (4) GIFTS.—The Appeals Task Force may ac-
14 cept, use, and dispose of gifts or donations of service
15 or property.

16 (g) PERSONNEL MATTERS.—

17 (1) COMPENSATION OF MEMBERS.—Each mem-
18 ber of the Appeals Task Force who is not an officer
19 or employee of the United States shall be com-
20 pensated at a rate equal to the daily equivalent of
21 the annual rate of basic pay prescribed for level IV
22 of the Executive Schedule under section 5315 of title
23 5, United States Code, for each day (including travel
24 time) during which the member is engaged in the
25 performance of the duties of the Appeals Task

1 Force. All members of the Appeals Task Force who
2 are officers or employees of the United States shall
3 serve without compensation in addition to that re-
4 ceived for their services as officers or employees of
5 the United States.

6 (2) TRAVEL EXPENSES.—The members of the
7 Appeals Task Force shall be allowed travel expenses,
8 including per diem in lieu of subsistence, at rates
9 authorized for employees of agencies under sub-
10 chapter I of chapter 57 of title 5, United States
11 Code, while away from their homes or regular places
12 of business in the performance of service of the Ap-
13 peals Task Force.

14 (3) STAFF.—

15 (A) EXECUTIVE DIRECTOR.—The chair-
16 man of the Appeals Task Force may, without
17 regard to the civil service laws and regulations,
18 appoint an executive director and such other
19 personnel as may be necessary to enable the
20 Appeals Task Force to perform its duties. The
21 appointment of an executive director shall be
22 subject to the approval of the Appeals Task
23 Force.

24 (B) COMPENSATION.—The chairman of
25 the Appeals Task Force may fix the compensa-

tion of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—

Upon request of the chairman of the Appeals Task Force, the head of any department or agency of the Federal Government may detail, on a nonreimbursable basis, any personnel of that department or agency to the Appeals Task Force to assist it in carrying out its duties.

(5) PROCUREMENT OF TEMPORARY AND INTER-

MITTENT SERVICES.—The chairman of the Appeals Task Force may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Service under section 5316 of such title.

1 (h) TERMINATION OF APPEALS TASK FORCE.—The
2 Appeals Task Force shall terminate 60 days after the date
3 on which the Appeals Task Force submits the final report
4 under subsection (c)(3).

5 (i) FUNDING.—

6 (1) IN GENERAL.—The Secretary shall, upon
7 the request of the chairman of the Appeals Task
8 Force, make available to the Appeals Task Force
9 such amounts as the Appeals Task Force may re-
10 quire to carry out the duties of the Appeals Task
11 Force under this section.

12 (2) AVAILABILITY.—Any sums made available
13 to the Appeals Task Force shall remain available,
14 without fiscal year limitation, until the termination
15 of the Appeals Task Force.

16 (j) DEFINITIONS.—In this section:

17 (1) The term “Board” means the Board of Vet-
18 erans’ Appeals.

19 (2) The term “claim” means a claim for dis-
20 ability compensation under the laws administered by
21 the Secretary of Veterans Affairs.

22 (3) The term “Court” means the United States
23 Court of Appeals for Veterans Claims.

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